

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SPV OSUS LTD.,

Plaintiff,

-against-

HSBC HOLDINGS PLC, HSBC BANK PLC,
HSBC BANK USA, NA, HSBC USA INC., HSBC
SECURITIES SERVICES (BERMUDA) LIMITED,
HSBC INSTITUTIONAL TRUST SERVICES
(BERMUDA) LIMITED, HSBC BANK
BERMUDA LIMITED, HSBC SECURITIES
SERVICES (LUXEMBOURG) S.A., HSBC BANK
(CAYMAN) LIMITED, HSBC PRIVATE
BANKING HOLDINGS (SUISSE) S.A., HSBC
PRIVATE BANK (SUISSE) S.A., HSBC FUND
SERVICES (LUXEMBOURG) S.A., SONIA
KOHN, MARIO BENBASSAT, ALBERTO
BENBASSAT, STEHPANE BENBASSAT, 20:20
MEDICI AG, UNICREDIT BANK AUSTRIA AG,
BA WORLDWIDE FUND MANAGEMENT LTD.,
UNICREDIT S.P.A., HERALD ASSET
MANAGEMENT LIMITED, EUROVALEUR,
INC., PIONEER ALTERNATIVE INVESTMENT
MANAGEMENT LIMITED, ALPHA PRIME
ASSET MANAGEMENT LTD., REGULUS ASSET
MANAGEMENT LIMITED, CARRUBA ASSET
MANAGEMENT LIMITED, TEREIO TRUST
COMPANY LIMITED, GENEVALOR,
BENBASSAT ET CIE, HERMES ASSET
MANAGEMENT LIMITED, THEMA ASSET
MANAGEMENT (BERMUDA) LTD., THEMA
ASSET MANAGEMENT LIMITED, EQUUS
ASSET MANAGEMENT LIMITED, EQUUS
ASSET MANAGEMENT PARTNERS, L.P.,
AURELIA FUND MANAGEMENT LIMITED,
INTER ASSET MANAGEMENT INC., T+M
TRUSTEESHIP & MANAGEMENT SERVICES
S.A., GTM MANAGEMENT SERVICES CORP.
N.V., AURELIA ASSET MANAGEMENT
PARTNERS, CAPE INVESTMENT ADVISORS
LIMITED and ERWIN KOHN,

Defendants.

Case No. 18-3497 (AJN)

**ORAL ARGUMENT
REQUESTED**

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NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Defendants' Memorandum of Law in Support of Their Motion to Dismiss, the Declaration of Thomas J. Moloney, dated September 21, 2018, and the exhibits appended thereto, the supplemental memoranda of law filed by individual Defendants, and all prior pleadings and proceedings herein, pursuant to Rules 9(b), 12(b)(1), 12(b)(2), and 12(b)(6) of the Federal Rules of Civil Procedure, Defendants¹ will move this Court, at a date and time to be determined by the Court, for an order dismissing, with prejudice, the complaint filed by plaintiff SPV OSUS Ltd. on December 11, 2014, as amended on August 15, 2018, and corrected on August 20, 2018.

¹ Defendants are HSBC Holdings plc; HSBC Bank plc; HSBC Bank USA, NA; HSBC USA Inc.; HSBC Securities Services (Bermuda) Limited; HSBC Institutional Trust Services (Bermuda) Limited; HSBC Bank Bermuda Limited; HSBC Securities Services (Luxembourg) S.A.; HSBC Bank (Cayman) Limited; HSBC Private Banking Holdings (Suisse) S.A.; HSBC Private Bank (Suisse) S.A.; Unicredit Bank Austria AG; UniCredit S.p.A.; Pioneer Alternative Investment Management Limited, now known as PAI Management Limited; Alpha Prime Asset Management Ltd.; Regulus Asset Management Limited; Carruba Asset Management Limited; Tereo Trust Company Limited; Hermes Asset Management Limited; Thema Asset Management (Bermuda) Ltd.; Thema Asset Management Limited; Equus Asset Management Limited; Equus Asset Management Partners, L.P.; Aurelia Fund Management Limited; T+M Trusteeship & Management Services S.A.; and Cape Investment Advisors Limited.

Dated: New York, New York
September 21, 2018

Respectfully submitted,

CLEARY GOTTlieb STEEN & HAMILTON LLP

By: /s/ Thomas J. Moloney
Thomas J. Moloney

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*Attorney for HSBC Holdings plc, HSBC Bank plc,
HSBC Bank USA, NA, HSBC USA Inc., HSBC
Securities Services (Bermuda) Limited, HSBC
Institutional Trust Services (Bermuda) Limited,
HSBC Bank Bermuda Limited, HSBC Securities
Services (Luxembourg) S.A., HSBC Bank (Cayman)
Limited, HSBC Private Banking Holdings (Suisse)
S.A., and HSBC Private Bank (Suisse) S.A. and with
authority from attorneys for the other Defendants*

TO: All Counsel of Record (via ECF)